

CITY OF SANTA BARBARA STAFF HEARING OFFICER

RESOLUTION NO. 100-07 110 SANTA ROSA PLACE MODIFICATION DECEMBER 5, 2007

APPLICATION OF DERRIK EICHELBERGER FOR HENRY BARTLEY, 110 SANTA ROSA PLACE, APN 045-201-020, E-3 ONE-FAMILY RESIDENCE/SD-3 COASTAL OVERLAY ZONES, GENERAL PLAN DESIGNATION: 5 UNITS PER ACRE (MST2007-00521)

The 6,000 square foot project site is currently developed with a single-family residence, attached garage, detached accessory structure with spa, and an "as-built" water feature with fish pond. The discretionary application required for this project is a Modification to permit the water feature and associated equipment to be located within the required six-foot (6') interior yard setback (SBMC §28.15.060).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Guidelines Section 15305.

WHEREAS, the Staff Hearing Officer has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, no one appeared to speak neither in favor of the application nor in opposition thereto, and the following exhibits were presented for the record:

- 1. Staff Report with Attachments, November 28, 2007.
- 2. Site Plans
- Correspondence received in support of the project:
 Jeff Lovegreen, 106 Santa Rosa Lane, Santa Barbara, CA 93109

NOW, THEREFORE BE IT RESOLVED that the City Staff Hearing Officer:

Denied the project, making the findings that approval of the Modification would create a precedent for this type of encroachment and allow an inappropriate improvement in the required interior yard setback area that does not meet the purpose or intent of the Ordinance.

This motion was passed and adopted on the 5th day of December, 2007 by the Staff Hearing Officer of the City of Santa Barbara.

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I hereby certify that this Resolution correctly reflects the action taken by the City of Santa Barbara Staff Hearing Officer at its meeting of the above date.

Kathleen Goo, Staff Hearing Officer Secretary

Date

PLEASE BE ADVISED:

- 1. This action of the Staff Hearing Officer can be appealed to the Planning Commission or the City Council within ten (10) days after the date the action was taken by the Staff Hearing Officer.
- 2. If you have any existing zoning violations on the property, other than those included in the conditions above, they must be corrected within thirty (30) days of this action.
- 3. PLEASE NOTE: A copy of this resolution shall be reproduced on the first sheet of the drawings submitted with the application for a building permit. The location, size and design of the construction proposed in the application for the building permit shall not deviate from the location, size and design of construction approved in this modification.
- 4. <u>NOTICE OF APPROVAL TIME LIMITS</u>: The Staff Hearing Officer's action approving the Performance Standard Permit or Modifications shall expire two (2) years from the date of the approval, per SBMC §28.87.360, unless:
 - a. A building permit for the construction authorized by the approval is issued within twenty four months of the approval. (An extension may be granted by the Staff Hearing Officer if the construction authorized by the permit is being diligently pursued to completion.) or;
 - b. The approved use has not been discontinued, abandoned or unused for a period of six months following the earlier of:
 - i. an Issuance of a Certificate of Occupancy for the use, or;
 - ii. one (1) year from granting the approval.